

Senate File 399 - Reprinted

SENATE FILE 399
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1134)

(As Amended and Passed by the Senate March 15, 2023)

A BILL FOR

1 An Act relating to the registration and regulation of spray
2 pads, swimming pools, and spas owned or operated by local
3 or state government, commercial interests, or certain
4 private entities, making penalties applicable, and including
5 effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135I.1, Code 2023, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3A. *a.* "*Spray pad*" means a constructed
4 area that is described by all of the following:

5 (1) The area has no standing water.

6 (2) The area is equipped with water sprays or other water
7 play features where the water is intended to contact the users.

8 (3) The area uses or has a feature that uses water that is
9 recirculated independently or from an associated swimming pool.

10 *b.* "*Spray pad*" includes an interactive fountain, and
11 a splash pad, spray park, wet deck, and water recreation
12 attraction.

13 *c.* "*Spray pad*" does not include an area that uses only
14 potable water that is not circulated and is drained directly to
15 waste.

16 Sec. 2. Section 135I.2, Code 2023, is amended to read as
17 follows:

18 **135I.2 Applicability.**

19 This chapter applies to all spray pads, swimming pools,
20 and spas owned or operated by local or state government, or
21 commercial interests or private entities including but not
22 limited to facilities operated by cities, counties, public or
23 private school corporations, hotels, motels, camps, apartments,
24 condominiums, and health or country clubs. **This chapter** does
25 not apply to facilities intended for single family use or to
26 a spray pad, swimming pool, or spa operated by a homeowners'
27 association or housing cooperative representing seventy-two
28 or fewer dwelling units if the ~~association's~~ bylaws of the
29 association or cooperative, which also apply to a rental
30 agreement relative to any of the dwelling units, include an
31 exemption from the requirements of **this chapter**, provide for
32 inspection of the spray pad, swimming pool, or spa by an
33 entity other than the department or local board of health, and
34 assume any liability associated with operation of the spray
35 pad, swimming pool, or spa. **This chapter** does not apply to a

1 spray pad, swimming pool, or spa used exclusively for therapy
2 under the direct supervision of qualified medical personnel.
3 To avoid duplication and promote coordination of inspection
4 activities, the department may enter into written agreements
5 with a local board of health to provide for inspection and
6 enforcement in accordance with [this chapter](#).

7 Sec. 3. Section 135I.3, unnumbered paragraph 1, Code 2023,
8 is amended to read as follows:

9 A person shall not operate a spray pad, swimming pool or
10 spa without first having registered with the department.
11 Registration shall be renewed annually.

12 Sec. 4. Section 135I.4, unnumbered paragraph 1, Code 2023,
13 is amended to read as follows:

14 The department is responsible for registering and regulating
15 the operation of spray pads, swimming pools, spas, and,
16 notwithstanding [chapter 89](#), spray pad, swimming pool, or spa
17 water heaters. The department shall conduct seminars and
18 training sessions, and disseminate information regarding health
19 practices, safety measures, and operating procedures required
20 under [this chapter](#). The department may:

21 Sec. 5. Section 135I.4, subsections 1, 2, and 4, Code 2023,
22 are amended to read as follows:

23 1. Inspect, at the time of installation and periodically
24 thereafter, all spray pads, swimming pools, and spas for the
25 purpose of detecting and eliminating health or safety hazards.

26 2. Establish minimum safety and sanitation criteria for the
27 operation and use of spray pads, swimming pools, and spas.

28 4. Establish and collect fees to defray the cost of
29 administering [this chapter](#). It is the intent of the general
30 assembly that fees collected under [this chapter](#) be used to
31 defray the cost of administering [this chapter](#). However, the
32 portion of fees needed to defray the costs of a local board of
33 health in implementing [this chapter](#) shall be established by the
34 local board of health. A fee imposed for the inspection of a
35 spray pad, swimming pool, or spa shall not be collected until

1 the inspection has actually been performed.

2 Sec. 6. Section 135I.6, unnumbered paragraph 1, Code 2023,
3 is amended to read as follows:

4 If the department or a local board of health acting pursuant
5 to agreement with the department determines that a provision
6 of [this chapter](#) or a rule adopted pursuant to [this chapter](#)
7 has been or is being violated, the department may withhold
8 or revoke the registration of a spray pad, swimming pool, or
9 spa, or the department or the local board of health may order
10 that a facility or item of equipment not be used, until the
11 necessary corrective action has been taken. The department or
12 the local board of health may request the county attorney to
13 bring appropriate legal proceedings to enforce [this chapter](#),
14 including an action to enjoin violations. The attorney general
15 may also institute appropriate legal proceedings at the request
16 of the department. This remedy is in addition to any other
17 legal remedy available to the department or a local board of
18 health.

19 Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate
20 importance, takes effect upon enactment.